

House File 290 - Introduced

HOUSE FILE 290

BY FISHER

A BILL FOR

1 An Act relating to trespass and making penalties applicable.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 716.7, subsection 2, paragraph a,
2 subparagraph (1), Code 2021, is amended to read as follows:

3 (1) Entering upon or in property without the express
4 permission of the owner, lessee, or person in lawful possession
5 with the intent to commit a public offense, to use, remove
6 therefrom, alter, damage, harass, or place thereon or therein
7 anything animate or inanimate, or to hunt, fish or trap on or
8 in the property, including the act of taking or attempting to
9 take a deer, other than a farm deer as defined in [section 170.1](#)
10 or preserve whitetail as defined in [section 484C.1](#), which is
11 on or in the property by a person who is outside the property.
12 This subparagraph does not prohibit the unarmed pursuit on foot
13 of game or fur-bearing animals by a person who lawfully injured
14 or killed the game or fur-bearing animal which comes to rest on
15 or escapes to the property of another.

16 Sec. 2. Section 716.7, subsection 2, paragraph a, Code 2021,
17 is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (8) The free casting of a dog or dogs
19 from the road right-of-way or from an adjacent property onto
20 adjoining property without the permission of the adjoining
21 property landowner or tenant in the pursuit of coyote. For
22 purposes of this subparagraph, "*free casting*" means the
23 intentional release of an unleashed dog to trail or track game.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill relates to trespass.

28 The bill provides that trespass does not include the unarmed
29 pursuit on foot of game or fur-bearing animals by a person who
30 lawfully injured or killed the game or fur-bearing animal which
31 comes to rest on or escapes to the property of another.

32 The bill provides that trespass includes the free casting of
33 a dog or dogs from the road right-of-way or from an adjacent
34 property onto adjoining property without the permission of
35 the adjoining property landowner or tenant in the pursuit of

1 coyote. "Free casting" means the intentional release of an
2 unleashed dog to trail or track game.

3 A person who commits trespass commits a simple misdemeanor,
4 aggravated misdemeanor, serious misdemeanor, or class "D"
5 felony depending on the circumstances of the offense.